IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 711 OF 2006
IN
APPEAL FROM ORDER NO. 405 OF 2006

G.U. Singh & anr. ... Appellants

V/s

Rohinibai Chaupale & anr. ... Respondents

Mr. V.K. Tripathi for the appellants.

Mr. S.K. Chaurasia holding for Mr. A.M. Sarogi for the respondent No.1.

CORAM: A.M. KHANWILKAR, J.
DATED: 28TH JULY, 2006

P.C.:

1. The grievance made in this application is essentially relying on the incorrect noting made on the order-sheet dated 27.6.2006. I am in agreement with the stand taken by the counsel for the original appellant that, on that day none appeared for the respondents. In fact, I distinctly recall of having dictated the order to the Stenographer as none appeared for the respondents and arguable questions are raised and the matter is admitted. In view of the clerical mistake occurred in the order, explanation of the concerned Stenographer was taken. Oral explanation has been offered that the

mistake has occurred due to wrong appearance slip tendered in the matter. Copy thereof is already on the file. The appearance slip which was given across the counter to the Sheristedar be kept in sealed cover. Thus understood, the grievance in this application cannot be accepted. The appeal has already been admitted in terms of order dated 27th June, 2006. In the circumstances, taking over all view of the matter, in the interest of justice, all that can be done is to expedite the hearing of the appeal.

2. Hearing of the appeal is expedited. The appeal be listed on 7th November, 2006 under the caption "Final Disposal" so that it will get precedence for hearing. Interim arrangement as directed in the order dated 27th June, 2006 to continue till further orders.

3. Civil Application No. 711 of 2006 is disposed of on the above terms.

4. It is further clarified that pendency of this appeal shall not come in the way of the Trial Court to proceed with the early disposal of the suit.

5. Mr. Chaurasia waives notice for respondent No.1 in

the appeal.

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